

III. ACCOMPLISHMENTS BY OBJECTIVE

Rule of Law: Legal systems operate more effectively to embody democratic principles and protect human rights

1. *Program Status*

The growing foreign policy emphasis on the rule of law (ROL) and human rights has placed G/DG in a central position within the USG on justice sector development and assistance, and the Center works continuously with various bureaus in the Departments of State, Justice, and Treasury, as well as with the Federal Judiciary on these issues. The growing worldwide interest among USAID Missions in ROL programming has provided the impetus for extensive G/DG engagement with a number of USAID Missions with important transition programs, including **Indonesia, Kosovo, and Nigeria**. Throughout 2000 the Center consolidated and indeed strengthened its reputation within USAID, gained over the past five years, as a technical center of excellence in justice sector development and assistance, providing timely expert guidance, supplying direct support and assistance to field missions, and sustaining USAID's leadership role in this evolving field.

2. *Statement of Purpose*

Respect for ROL and development of an effective and equitable justice system are essential underpinnings of a democratic society, including the functioning of a market-based economy. USAID Missions with a ROL objective (now numbering 59) implement activities to address fundamental challenges to democratic governance, such as disruption of public order and security; maintenance of checks and balances; systematic abuses of political power and official authority; impunity; inequality before the law; abuse of human rights; and the absence of effective mechanisms for resolving disputes peacefully.

The purpose of this program element is to enhance the effectiveness of U.S. assistance and field-based efforts to improve the ROL through justice sector development and assistance. The Center leads USAID efforts to develop both technical expertise in justice sector assistance and strategic approaches to problems within the justice sector. G/DG identifies lessons learned, best practices, and innovative techniques that help justice systems to operate in accordance with democratic principles, including improving access to justice, administration of justice, and protection of human rights. G/DG also designs, manages, and procures implementing capacity, develops and disseminates technical guidance, carries out assessments in the field, and assists USAID Missions and other USG agencies in devising strategies to enhance the rule of law.

3. *Key Results*

Foreign Policy. Successful inter-agency coordination and collaboration are vital to achieving U.S. foreign policy objectives. Throughout 2000 G/DG consolidated the strong relations developed in previous years with various offices within State, including the senior ROL coordinator; the Bureau for International Narcotics and Law Enforcement (INL); DRL; and the Office of War Crimes. USAID is looked to on a continuing basis to provide policy makers with information and insights informed by our country knowledge and programming experience in

rule of law. G/DG also participated frequently in National Security Council (NSC) discussions and meetings pertaining to ROL and justice sector assistance in complex contingencies and peace-keeping operations. The net result of Center participation in these deliberations has been to ensure that U.S. foreign policy decisions pertaining to justice sector assistance are informed by USAID's technical leadership and experience in the ROL field. In this context, G/DG engaged in ongoing consultations with State, NSC, and Justice on Presidential Decision Directive 71: "Strengthening Criminal Justice Systems in Support of Peace Operations." The directive was signed by the president in February 2000 and features a prominent role for USAID and G/DG.

In 2000 the Center played key roles in **Colombia, East Timor, Kosovo, Indonesia, Nigeria, and Rwanda** both by participating in inter-agency meetings in Washington and on inter-agency (and in Rwanda multi-donor) justice sector assessment and design missions. This participation led directly to the design of programs based on, among other things, USAID's experience in justice sector assistance.

Technical Expertise. Over the past five years G/DG has developed a reputation within USAID for technical expertise in the ROL field. This reputation is based on continuing support to missions in designing and reviewing strategies for justice sector development and assistance, and statements of work to implement those strategies, as well as performance monitoring and other assistance. In a variety of formats, the Center has compiled lessons learned in the field of justice sector assistance. *Alternative Dispute Resolution: A Practitioners' Guide* was published in G/DG's Technical Publication Series; it summarizes worldwide program experience with alternative dispute resolution. The Center has also published monographs on judicial training, justice sector institutional strengthening, code reform, and building constituencies for justice sector reform, all based primarily on the Latin American experience.

- The strategic framework for justice sector assistance that was developed and reported in 1999 was further refined in 2000, and again formed the basis of training ("Rule of Law Fundamentals") in December 2000. The framework has been applied in several new mission programs, including **Indonesia, Nigeria, and Rwanda**.
- With the assistance of its partner the International Foundation for Election Systems (IFES), G/DG has been the driving force in studying judicial independence and impartiality within the justice community. The Center and IFES have established a strong partnership through workshops, conferences, and commissioned papers and reviews pertaining to judicial independence and impartiality. The effects of this partnership have been an increased attention to the issue within the international donor community and a greater emphasis on strategies to ensure judicial impartiality and independence.

Field Support. Programs managed by G/DG have been effective in meeting a variety of field and regional needs. In addition, State has relied on the Center's rapid-response capability to address immediate foreign policy priorities. Through G/DG's portfolio of justice sector assistance programs, some \$23 million in FY 2000 was programmed by USAID and other USG agencies.

The Center continued to forge strong partnerships with field missions, providing direct TDY support and other consultative services for field implementation of justice sector activities. Key results of direct field support by G/DG staff are represented by programs in **Colombia, East Timor, Indonesia, Jamaica, Kosovo, Madagascar, Mongolia, Morocco, Nigeria, Rwanda, South Africa, and West Bank/Gaza**. Its efforts at aiding the field through NGOs and private

contract partners continued to bear fruit. For instance, one partner began a briefing on its highly regarded Kosovo War Crimes Documentation project by praising our rapid-response mechanism and calling it a USAID success story about how effective procurement mechanisms and a cooperative relationship with USAID empowers NGOs to generate timely results.

- With assistance from G/DG, USAID/**Rwanda** designed and has begun implementing an activity aimed at prosecuting the most serious cases related to the 1994 genocide. USAID is partnering with the U.S. Department of Justice (Office of Overseas Prosecutorial Development Assistance and Training) in this activity.
- USAID/**Mongolia**, with assistance from the Center, initiated a major innovative justice sector reform activity in cooperation with the government of Mongolia to modernize and improve the overall performance of the state justice institutions.
- G/DG participated in a design team for justice sector assistance in **Kosovo**. This team designed a justice sector program to assist Kosovo's transition to democracy.
- The Center played a key role in an inter-agency assessment of justice sector needs in **Indonesia**. In consultation with the Departments of State, Justice, and Treasury, this team submitted a proposal for a balanced justice sector program in Indonesia.
- At the request of State/DRL, G/DG took part in an on-the-ground assessment, the planning and implementation of a justice sector assistance project in **East Timor**. This assistance addresses both investigation and prosecution of serious crimes committed by Timorese militias and others following the 1999 national referendum, and the extreme training needs of the nascent Timorese judiciary.
- The Center assisted USAID/**South Africa** in developing and integrating an important role for Justice in the mission's "Criminal Justice Reform" program, jointly demonstrating an outstanding example of inter-agency cooperation in the ROL field.
- G/DG provided extensive support to USAID/**Jamaica** in reviewing its overall democracy and justice sector strategy. USAID/Jamaica sponsored Center participation in a conference organized by the Inter-American Development Bank on its behalf.
- G/DG provided a key member of the team that designed the multi-million dollar justice/human rights program, which was part of the supplemental for **Colombia** aimed at reducing drug trafficking and improving democracy.
- Responding to rapidly changing circumstances in the occupied territories, USAID/**West Bank-Gaza**, with assistance from G/DG, integrated a criminal justice component into the broader ROL program. This program, although suspended due to the eruption of violence in the fall, helped to develop important contacts for the USG within the Palestinian law enforcement community.
- USAID/**Nigeria** invited G/DG to play an important role in developing a justice sector program. This program is innovative in that it provides a framework for donor cooperation as one of its primary concerns. G/DG then played a further key role in procuring goods and services on behalf of the mission for the purpose of implementing the activity. In addition G/DG has provided extensive support to OTI/Nigeria in introducing democratic policing in Nigeria.

- Through expedited design of a court administration activity led by Center staff, USAID/**Morocco** was able to honor the U.S. ambassador's commitment to provide the Moroccan Ministry of Justice with timely assistance to Morocco's commercial courts. The activity's early launch in FY 2000 was also critical to leveraging larger World Bank resources, which are expected to follow and be shaped by the USAID pilot.

Program Management/Direct Development Impact. In addition to providing technical guidance and field support, G/DG directly manages several justice sector assistance activities in non-presence countries. In **Oman**, for example, through its partner grantee the International Development Law Institute, the Center is implementing a series of workshops and seminars to contribute to the modernization of the Omani justice sector. In **East Timor**, G/DG manages a portfolio of grants to support the establishment of accountability for serious abuses, as well as building the justice sector institutions necessary to support a democratic transition process. In **Laos**, the Center previously managed an activity resulting in the publication of the first benchbook for the Lao judiciary, helping to establish standards of accountability and norms for professional performance. G/DG also managed non-presence country justice sector assistance in **Afghanistan, Algeria, Kosovo, Sierra Leone, and Yemen**. The cumulative impact of this direct management role has been to give the USG a capacity to implement justice sector assistance in non-USAID countries, thereby extending the reach of foreign assistance as a foreign policy tool.

USAID has had a longstanding relationship with the International Relations Committee of the Judicial Conference of the U.S. Courts. A recent example of its international assistance work comes from **Russia**, where the Russian Federation Council of Judges has used information obtained under our program to implement a judicial reform program. This program will create organizations and institutions based on those in the U.S. Federal Judiciary. Yu Sidorenko, chairman of the Russian Council, in a letter to Chief Justice William Renquist thanked the chief justice for the assistance provided by the Federal Judiciary under USAID's program and advised him of its importance to the Russian reforms. A team of federal judges visited Russia last month to follow-up on this technical assistance.

4. Performance and Prospects

The Center has accomplished a great deal in the area of justice sector development and assistance in the past five years. This past year G/DG met expectations in this area by developing several new areas of technical expertise, including a theoretical underpinning for assistance to support judicial impartiality and a strategic framework for justice sector assistance. The Center continues to provide direct support to numerous USAID Missions; train staff; and manage a portfolio of assistance awards and contracts capable of providing USAID Missions with a full spectrum of implementing options for justice sector assistance. Interaction with other USG agencies and donors involved in ROL continues as well.

Through its technical publications, the Center is contributing to a growing understanding of the relationship among the rule of law, the justice sector, and democracy. Existing publications include the *ADR Practitioners Handbook* and a series of monographs on the empirical experience of justice sector assistance in the LAC region. This year three additional technical publications will be completed: the strategic framework for justice sector assistance, the judicial independence study, and the handbook for case management. These represent the anticipated core publications for the Center in the justice sector during this reporting period. Also

during this period G/DG anticipates upgrading the skill and knowledge level of the USAID cadre engaged in justice sector development and assistance through an ongoing training effort.

The ongoing demand for TDY assistance and the labor-intensive process of implementing the judicial independence technical leadership project imposed unforeseen burdens on a small team. This prevented the implementation of regional training proposed last year and the more rapid development of the strategic framework for justice sector assistance.

G/DG still harbors some concerns over the paucity of technical expertise at large for justice sector assistance. Although USAID partnerships with both private and public, profit and non-profit organizations over the past five years have helped to expand the community of experts and institutional capacity, it is still difficult to meet the global demand. That demand, reflected in the number, variety, and magnitude of task orders and other requests for assistance and acquisition from USAID Missions and USG agencies, has exceeded expectations. Newly authorized assistance and contract awards are being drawn down much quicker than anticipated. This is problematic as procurement is a long, slow process. G/DG is considering possible options to alleviate this problem, including a new solicitation for additional contracts in the field of justice sector assistance.

5. *Principal Contractors, Grantees, or Agencies*

Over the past five years the Center has contributed to the development of both institutional and individual expert capacity in justice sector assistance, both within the USG and in the private sector. During 2000 the Center awarded three contracts for ROL implementation: two of them—National Center for State Courts and Institutional Reform and the Informal Sector—to educational organizations, and the third—Management Sciences for Development—to a small business. In past years G/DG has worked with numerous other private sector contractors in implementing justice sector activities. In addition the Center, in 1999, pioneered leader with associate cooperative agreements with two NGO consortia: the RIGHTS Consortium consisting of Freedom House, the National Democratic Institute for International Affairs, and the American Bar Association; and the International Foundation for Election Systems/International Human Rights Law Group consortium. The Center also manages an inter-agency agreement with Justice and has a strong working relationship with the International Relations Committee of the Judicial Conference of the U.S. Courts, supporting federal judges' involvement in judicial reform. Finally G/DG manages a grant to a public international organization, the International Development Law Institute.